

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**KIMBERLY ANDRESS, and
GEORGE ANDRESS, Individually and as
H/W,**

Plaintiffs,

v.

**NATIONSTAR MORTGAGE, LLC,
BANK OF AMERICA, N.A, and
JOHN DOES 1-10,**

Defendants.

CIVIL ACTION

NO. 15-1779

ORDER

AND NOW, this 30th day of September, 2015, upon consideration of the Motion of Defendant Bank of America, N.A., (“BOA”) to Dismiss Plaintiff’s Amended Complaint (“Motion to Dismiss”) (Document No. 16, filed July 30, 2015) and Plaintiffs’ Response in Opposition to Co-Defendant, BANA’s Motion to Dismiss Plaintiffs’ First Amended Complaint (Document No. 23, filed August 28, 2015), for the reasons set forth in the accompanying Memorandum dated September 30, 2015, **IT IS ORDERED** as follows:

1. That part of BOA’s Motion to Dismiss which seeks dismissal of plaintiffs’ claims under the Fair Debt Collection Practices Act (“FDCPA”) (Count I), the Equal Credit Opportunity Act (“ECOA”) (Count II), the Pennsylvania Fair Credit Extension Uniformity Act (“FCEUA”) (Count III), the Pennsylvania Unfair Trade Practices and Consumer Protection Law (“UTPCPL”) (Count V), and for loss of consortium (Count VI) is **GRANTED**. Counts I–III and V–VI of plaintiffs’ Amended Complaint are **DISMISSED WITH PREJUDICE**.

2. That part of BOA’s Motion to Dismiss which seeks dismissal of plaintiffs’ claims under the Real Estate Settlement Procedures Act (“RESPA”) (Count IV) is **GRANTED**. Count IV of plaintiff’s Amended Complaint is **DISMISSED WITHOUT PREJUDICE** to plaintiff’s

right to file a second amended complaint within twenty (20) days of the entry of this Order if warranted by the facts and applicable law.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.